

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**DEBBIE A. LACY**

**vs.**

**COMMISSIONER, SOCIAL  
SECURITY ADMINISTRATION**

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**CIVIL ACTION NO. 6:15cv533**

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED  
STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the decision of the Commissioner be affirmed and that the complaint be dismissed with prejudice. Plaintiff filed written objections on September 6, 2016.

Having made a *de novo* review of the objections filed by Plaintiff, the Court finds that the findings, conclusions and recommendation of the Magistrate Judge are correct and Plaintiff's objections are without merit. Plaintiff asserts a conclusory allegation that the ALJ failed to apply the legal standards required by SSR 82-62 when determining that she can perform her past relevant work. Plaintiff's objection does not identify a specific occupation in her past relevant work for which the ALJ allegedly failed to apply SSR 82-62 or explain her allegation that the ALJ did not comply with SSR 82-62. As noted in the Report and Recommendation, the ALJ's decision reveals that the ALJ properly considered whether the vocational expert's testimony was consistent with the information in the DOT and Selected Characteristics of Occupations and

considered Plaintiff's residual functional capacity with the physical and mental demands of the work.

Plaintiff additionally alleges that the ALJ failed to apply the legal standard in *Tate v. Commissioner, Social Security Administration*, Civil Action No. 6:15cv720 (E.D. Tex. Jul. 25, 2016). Plaintiff's objection does not explain any inconsistency between the ALJ's decision in this case and the Court's decision in *Tate*, which concerned whether the ALJ gave sufficient consideration to Listing 12.05.

There is substantial evidence in the record supporting the Commissioner's decision and the ALJ applied the correct legal standards. The findings and conclusions of the Magistrate Judge are, therefore, adopted as those of the Court. It is

**ORDERED** that Plaintiff's objections are **OVERRULED**. The decision of the Commissioner is **AFFIRMED** and this Social Security action is **DISMISSED WITH PREJUDICE**. It is further

**ORDERED** that any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **20** day of **September, 2016**.



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Ron Clark, United States District Judge